



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD) . No.11557 of 2022

WEB COPY

Karuppasamy

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli District.
Cr.No.94/2022.

... Respondent/Complainant

For Petitioner : M/s.MOHAMED HASHIM.A,
Advocate.

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Cr.No.94/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested on 15.06.2022 for the alleged offences under Section 24(1) of Cigarette and other Tobacco Products Acts 2003 and 77 of the Juvenile Justice (Care and Protection of Children) Act 2015, in Crime No.94 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 15.06.2021 at about 11.00, when the respondent police engaged in routine vehicle check up, they found the accused person. On seeing of the police, accused persons tried to escape from there and the police surrounded him and recovered 12 sachets of banned tobacco products and recovered the a sum of Rs.5,000/-. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that when the matter was came up for hearing on 29.06.2022, this Court has directed the petitioner to file an undertaking affidavit that he will not indulge in such activities in future. As per the direction of this Court, affidavit has also been filed. Further, no previous case is pending against the petitioner.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that two previous cases are pending against this petitioner.



5. Considering the facts and circumstances of the case, undertaking affidavit filed by the petitioner and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Cheranmahadevi, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

7. If any violation is noticed, bail granted by this Court, shall stand automatically cancelled without reference to this Court. After releasing on bail, the petitioner must file a copy of the above said affidavit before the concerned Magistrate Court and send another copy to the concerned Police Station.

sd/-
06/07/2022

/ TRUE COPY /

06/07/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE, CHERANMAHADEVI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE,
CHERANMAHADEVI POLICE STATION, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.11557 of 2022
Date : 06/07/2022

SA/PN/SAR.4/06.07.2022/2P/6C

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